

**WILLIAMSBURG CITY COUNCIL  
WORK SESSION  
AUGUST 6, 2007**

The Williamsburg City Council held a work session on Monday, August 6, 2007, at 2:00 p.m., in the City Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Chohany, Freiling, and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending:, Assistant City Manager Miller, Assistant City Attorney Workman, Economic Development Director DeWitt, and Department Heads Nester, Serra, and Walentisch.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**OPEN FORUM**

Mayor Zeidler invited citizen comment.

**David Kranbuehl, 201 Harrison Avenue**, addressed Council about the proposed hotel/motel visitor ordinance and the length of stay (90 days) that is on the August 9 meeting. He suggested that Council consider limiting the 90 day stay to once per twelve months or address the length of time between stays. Enforcement of the ordinance is important. Hotel/motel owners should have to keep records on people who stay more than 30 days and additional staff should be hired to conduct periodic checks on these establishments. Violations need penalties and penalties need to be defined.

**Background Presentations/Discussion**

**Summer Youth Program, Peter Walentisch, Director of Human Services**

Mayor Zeidler said it was a pleasure to welcome the participants of the Summer Youth Program.

Mr. Walentisch said that the Summer Youth Program was a result of the Youth Commission Report completed in 1994. He recognized the program staff members: Zaida Reyes, Zarina Burdge, John Brame, Rebekah Fariss, Adam Finefrock, and Shante Harvey (round of applause). Mr. Walentisch said that two of the program participants would like to address Council about their experience with the program.

Dominique Wallace, 14 years old, a freshman at Lafayette, said that this was his second summer in the summer program. On behalf of his peers, he thanked City Council for its ongoing support. He appreciated what he learned about being part of a team being responsible for his actions, and learning to respect others.

Dominique Jenkins, 15 years old, Lafayette High School, said this was her fourth year in the program. She appreciated the program and all that she learned this summer. The three R's, respect, responsibility, and role modeling, are values that will help the participants to succeed in life and to obtain a winning attitude. She thanked Council for listening.

The Mayor hoped to speak with each of the youth at the program's closing ceremony on Friday, August 10. The city is very proud of this youth program. She appreciated the comments of the speakers.

Mr. Walentisch responded to the Mayor that there was limited information on the youth that have completed the program. The majority go on to college or jobs. These young people commit to six or seven weeks of discipline and training to help them succeed in life.

Council members thanked the participants for their commitment to the program.

Mr. Walentisch responded to Mr. Freiling that the age of the youth in the program ranged from early to mid teens. Zeda Reyes added that most of the youth (12 to 15 years old) participate in the program for four years until they age out.

Council members commended the participants for their achievements and for being committed to the program. Mayor Zeidler complimented the current and former staff members for their work to make this program a success.

A group photograph was taken of City Council, Summer Youth program participants, and staff members. Mayor Zeidler said she would appreciate receiving a copy of the photo.

### **Overview of Proposed Cable Communications Ordinance and Cavalier Franchise Agreement, Christina Workman, Deputy City Attorney**

Reference for this item was Mr. Tuttle's reports dated August 2, 2007. Ms. Workman reviewed the information provided to Council in the report. The proposed ordinance complies with the State Code and was developed on the Virginia Municipal League's model ordinance and the franchise agreement with Cox Communications. The Code of Virginia requires localities to promulgate an ordinance under which cable franchise operators may offer cable services in the locality and localities can no longer prohibit a cable operator from operating and must grant a franchise. The law does provide for discretion in customer service and rights-of-way regulations. After three years, the cable operator must be able to serve 65% of the city and after ten years, 80% of the city.

Ms. Workman said the proposed ordinance meets the state code requirements and incorporates provisions from the existing cable ordinance and Cox Franchise agreement. The ordinance requires cable operators to provide public, educational, and government (PEG) access channels and to pay a recurring fee based on gross revenues to the city to support the PEG channels. As in the Cox franchise, a franchise fee of 5% of gross revenues is required. She noted that an existing cable franchise, such as Cox, may opt to operate under the new ordinance instead of its existing agreement. Ms. Workman explained the process for renewal and fairness to all cable operators. The proposed ordinance is recommended for adoption.

#### **Discussion:**

Mr. Chohany asked about build out. Ms. Workman stated that as the franchise increases, so must the area covered increase. This does not apply to certain neighborhoods that might have an exclusive agreement with a different provider.

Ms. Workman responded to Mr. Freiling that Virginia Beach and Hampton have gone through this process and have used the VML model for this complicated ordinance, and Henrico is working on its ordinance. The city is out in front in this process because it did not want to wait until a cable provider request was received before creating the ordinance. She clarified that the ordinance comes into play if an agreement with the provider is not successfully negotiated and the ordinance could be amended if necessary. The ordinance contains the minimum requirements.

Ms. Workman responded to Mr. Haulman that there is a mechanism in place to handle customer complaints/issues. Ms. Miller said that one of the city's successes was working with cable providers to provide assistance to cable customers when they have problems or issues with service. If the cable franchise is approved for Cavalier, information will be provided to citizens about the service and where to call if they have questions.

Ms. Miller reviewed the information provided in the report about the proposed fifteen year non-exclusive agreement with Cavalier for cable service. The agreement has been modeled after the city's current agreement with Cox Communications.

The proposed agreement:

- Provides three PEG (public, education and government) channels as part of their basic service package
- Requires paying the City a 5% franchise fee and 1.4% of gross revenues for PEG capital support
- Requires right-of-way permits from the City
- Installs an all-channel emergency alert system and stand-by power generator at the cable head end facility
- Provides one service outlet for basic cable service to each public facility
- Requires a 30-day notice be given to the city before increasing rates for basic cable service, installation, disconnection, or equipment rental
- Requires complying with the current customer service standards set by the Federal Communications Commission

Technical limitations with the IP cable service exist that prevent extending service to the entire city, as indicated on the service area map (exhibit A). To the extent allowable by State Code, the agreement requires extension of cable service when technology allows and is financially feasible. Staff recommended that following the public hearing at the August 9 meeting, Council authorize the City Manager to enter into the franchise agreement.

Ms. Miller said that Mr. Craig Pizer, Vice President, Business Development with Cavalier Telephone and TV, was present to answer questions.

Discussion points:

- The new franchise will provide for cable at public buildings the same as the existing franchise with Cox.
- WIFI is more of a commercial venture and not included in the franchise agreement
- The proposed agreement with Cavalier will provide a greater benefit to citizens, better service to city buildings, and better meet customer service standards as set by the FCC.

Mr. Pizer addressed the technical questions asked by Mr. Braxton about voice over IP, the timeline for providing High Definition service, head-ins, and Cavalier's lease of existing Verizon copper wires for telephone service and DSL service. Mr. Braxton said that he was trying to set a reasonable expectation of the service.

Mr. Pizer responded to Mr. Freiling about the criteria that could be provided to customers so they will understand whether or not they will be able to receive cable television service from Cavalier.

Mayor Zeidler said Council will hold a public hearing on these issues at the August 9 meeting. She appreciated the information provided in the reports.

**Regional Jail Update, John Kuplinski, Administrator, Virginia Peninsula Regional Jail**  
Mr. Tuttle introduced Mr. Kuplinski to provide information about the operation of the Regional Jail.

Mr. Kuplinski reported that the jail celebrated its 10 year anniversary on June 14. At the close of FY 2007, 475 inmates were housed at the jail (108 from the city). He addressed:

- The jail is a "Direct Supervision Facility" which is a safer, more humane facility.
- The jail's firm belief in programs for inmates. 219 inmates have received a GED.
- Staffing challenges. The jail has a high rate of turnover, but not more than the national average. The turnover is consistent with a direct supervision facility.
- "Generation X" staff. The high demand of staff to interact with inmates.
- Lost revenue from the State of Virginia in years past, with some improvement since.
- Jails have received no new money from the General Assembly.
- Problems with the mentally ill being incarcerated. The problem is worse since the downsizing of state hospitals. It is expected that the population of the mentally ill in jails will increase, but they do not belong in the jail system.
- Inmate medical care is expensive and jails are providing "primary care."
- New issues for jails: dealing with gangs in the facility and English as a second language.

Council and Mr. Kuplinski discussed:

- The occupancy rate and ability to handle the number of inmates. Challenges are the amount of floor space, recreation space, and program area.
- The jail is eligible for 32 additional staff positions, which is inmate population driven. Extra secretarial staff and records staff are needed, but more money is needed from the state.
- The city's next Legislative Agenda and the need to address jail issues. Mr. Tuttle and Mr. Kuplinski will work on the Agenda item.
- The General Assembly must provide more funds to the Comp Board in order for the Comp Board to fund additional jail positions.
- The suggestion that Council discuss the fiscal implications at the next retreat.
- A safe level of staffing per the staff/inmate ratio.
- The future of the regional jail.
- The moratorium on jail expansions.

- The aging population in the criminal justice population and the incarceration of more women.
- The need for a work release center on the regional jail site.
- Volunteers at the jail from the faith based community. Assistance with the art gallery, law school, creative writing, parent-child linkages, and adult education programs.
- Colonial Services Board's service and financial support of the jail.
- The jail is not prepared to handle mentally ill individuals. They are high risk and require care that is not normally available in jails.

Mr. Kuplinski presented Council with information about current programs and an "Analysis of Data from Virginia Compensation Board FY '05 Jail Cost Report."

Mayor Zeidler thanked Mr. Kuplinski for his report. The city is very proud of its jail facility and its programs.

### **City Council Communications**

Fall Retreat: Mayor Zeidler referenced information received from Mr. David Kranbuehl about communication with citizens. She asked that Mr. Tuttle add this item to the fall retreat agenda.

### **Preview of August 9 Council Meeting**

No additional information was requested.

### **Schedule of Meetings: August 2007**

Council members received the monthly meeting calendar.

### **OPEN FORUM**

Mayor Zeidler invited public comment.

**Mr. Kranbuehl** suggested the moratorium on jail expansions be placed on the city's Legislative Agenda. He noted that bus service to the jail was needed for visitors.

Mr. Kuplinski responded that bus service had been available for a period of time, but was discontinued for lack of use.

No one else wished to speak. The session was closed.

### **CLOSED SESSION**

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one property matter per subparagraph 3, regarding acquisition of property for redevelopment of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 3:26 p.m. The Mayor called a five-minute recess.

**OPEN SESSION**

At 4:04 p.m. Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

**Certification of Closed Meeting**

Date: August 6, 2007

Motion: Mr. Haulman Second: Mr. Freiling

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 4:05 p.m.

Approved: September 13, 2007

Jeanne Zeidler, Mayor

Shelia Y. Crist, MMC  
Clerk of Council